IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 2832 of 2007(K)

PETITIONER:

P.S.LEELA, 58 YEARS,
W/O.SUBRAMANIAN, PUTHIYEDATH HOUSE,
EROOR WEST P.O., TRIPUNITHURA.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
(LAW AND ORDER) POLICE HEADQUARTERS,
THIRUVANANTHAPURAM.

3. DEPUTY INSPECTOR GENERAL OF POLICE,
CENTRAL ZONE, ERNAKULAM.

4. SUPERINTENDENT OF POLICE,
(RURAL) ALUVA.

5. SUB INSPECTOR OF POLICE,
MUNAMBAM POLICE STATION,
(CRIME NO.25/2006 OF MUNAMBAM POLICE STATION).

6. CIRCLE INSPECTOR OF POLICE,
NJARAKKAL.

7. CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS
STANDING COUNSEL.

BY P.P. SRI.GIKKU JACOB.
BY ADV. SRI.S.SREEKUMAR, SC FOR CBI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2832 of 2007(K):

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 – TRUE COPY OF THE COMPLAINT DATED 20/1/06 SUBMITTED BY THE PETITIONER TO THE DEPUTY INSPECTOR GENERAL OF POLICE.

EXT.P2 SERIES – TRUE COPY OF THE COMPLAINT DATED 15/2/06 SUBMITTED TO THE DISTRICT COLLECTOR.

EXT.P3 – TRUE COPY OF THE COMPLAINT SUBMITTED TO THE CIRCLE INSPECTOR OF POLICE, NJARAKKAL.

EXT.P4 – TRUE COPY OF THE INQUEST REPORT PREPARED BY SUB INSPECTOR OF POLICE, NJARAKKAL POLICE STATION BEFORE THE SUB DIVISIONAL MAGISTRATE COURT, FORT COCHIN.

EXT.P5 – TRUE COPY OF THE POST MORTEM REPORT CONDUCTED BY DR.AJAY.B., ALAPPUZHA MEDICAL COLLEGE.

EXT.P6 – TRUE COPY OF THE FIRST INVESTIGATION REPORT.

EXT.P7 – TRUE COPY OF THE ORDER DATED 6/3/06 IN WPC NO.4476/06.

EXT.P8 – TRUE COPY OF THE ORDER DATED 9/6/06 IN W.A.NO.981/06.

EXT.P9 – TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE POLICE BEFORE THE SUB DIVISIONAL MAGISTRATE, FORT KOCHI.

EXT.P10 – TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE SUB DIVISIONAL MAGISTRATE COURT, FORT KOCHI DATED 9/11/06.

EXT.P11 - TRUE COPY OF COMPLAINT DATED 23/10/06 SUBMITTED TO THE DIRECTOR GENERAL OF POLICE BY THE DAUGHTER OF THE PETITIONER.

RESPONDENTS EXHIBITS:

ANNEXURE-R6(a) – COPY OF PROCEEDINGS DATED 19/2/2007.

//TRUE COPY//

R. BASANT, J.

W.P.(C) NO. 2832 OF 2007-K

Dated this the 26th day of February, 2007

JUDGMENT

The petitioner is the mother-in-law of the deceased, one Kshemakumar. He allegedly met with his unnatural death consequent to an accident on 14/1/06. A crime was registered under Sec.174 of the Cr.P.C. Investigation was in progress. Ext.P9 report has been submitted by the Investigating Officer. It has not accepted so far.

2. The petitioner has come to this Court with a prayer that directions may be issued for the conduct of a proper and efficient investigation in the matter.

3. Notice was given. The learned Public Prosecutor has entered appearance for the respondents. The 6th respondent has filed a statement to which Ext.R6(a) is appended which shows that the Superintendent of Police, Ernakulam (Rural) has directed that the Deputy Superintendent of Police, Narcotic Cell, Ernakulam Rural (Aluva) shall take over the investigation.

4. The learned counsel for the petitioner submits that in view of the said order, the petitioner has no surviving grievance. The petitioner bona fide expects that a proper investigation shall be conducted as directed by the 4th respondent. In these circumstances, no further directions are necessary in the matter, submits the learned counsel for the petitioner.

5. Advocate Mr. K.B. Suresh on behalf of one Mohankumar against whom the petitioner appears to have raised allegations wants to come on record. The learned counsel submits that his client also welcomes a thorough, complete and proper investigation in the matter. Baseless allegations have been raised against him, it is submitted.

6. Inasmuch as the 4th respondent has already taken necessary action in the matter, I am satisfied that no further directions are to be issued in the matter. Proper investigation in accordance with law shall be conducted by the officer who has been directed under Ext.R2(a) to take up the investigation.

7. With the above observations, this writ petition is dismissed.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy// P.S. To Judge